

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition – Madduvalasa Reservoir Project Scheme - Srikakulam District – Amadalavalasa Unit –M, Seetarampuram Village, Block-II, Vangara Mandal - Land acquired under Award No.9/89,dated.4.3.89 for Madduvalasa Reservoir Project Scheme – Land value enhanced in O.P.No.21/90 – Appeal filed in A.S.No.1016/1992 – Dismissed – Sanction of final / full decretal charges – Orders – Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 77

Date:5.2.2009

Read the following

1. From the Collector & District Magistrate, Srikakulam District
Ir.No. 4195/2003/G3, dated. 19.3.2008.
2. From the Spl.Chief Secretary to Govt & CCLA,A.P.,
Hyderabad, letter No.G2/1479/2007, dated.27.8.2008

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ORDER:-

In the references read above, it has been reported that an extent of Hec.14-46-50 of wet lands of M.Seetharampuram village (Block-II) was acquired in Award No.9/89,dated.4.3.89 fixing the land value at Rs.9,000/- per acre for foreshore submergible area under Madduvalasa Reservoir Project Scheme. Aggrieved by the award the claimants to an extent of Hec. 10-19-0 have filed petition under section 18 of LA Act. The Lower Court in its O.P.No.21/90,dated.5.9.91 have enhanced land value @ Rs.30,000/- per acre for Wet lands and also orders that the claimants entitled other benefits.

2. Aggrieved by the Lower Court orders, the Land Acquisition Officer has preferred an appeal before the Hon'ble High Court. The Decree holders have filed Execution petition before the Hon'ble Sr.Civil Court, Rajam vide E.P.No.6/92 in LA OP 21/90 for enhanced compensation The Hon'ble High Court has granted conditional stay to deposit half of the Decretal amount with in 8 weeks from the date of order and remaining amount shall be deposited with in 12 weeks from 23.6.92. Accordingly, the Land Acquisition Officer, Madduvalasa Reservoir Project, Rajam has deposited an amount of Rs.3,24,698 (1/3 rd amount) on 26.8.92 and reaming amount of Rs.1,93,497/- on 1.2.93. Subsequently the Hon'ble High Court of A.P., Hyderabad have passed final orders on 5.10.99 in AS.No.1016/92 and reduced the enhanced compensation from Rs.30,000/- to Rs.22,500/- of wet lands and the claimants are entitled to all the statutory benefits..

3. The Collector & District Magistrate, Srikakulam has requested the Government to sanction and release an amount of Rs.4,13,167/- in respect of O.P.No.21/90, dated.5.9.91 as the High Court in AS.No.1016/92, dated.5.10.1999. The Spl.Chief Secretary to Government & CCLA,A.P., Hyderabad, has forwarded the proposal of the District Collector, Srikakulam District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of **Rs.1,06,183/-** (Rupees One lakh Six thousand One hundred and Eighty Three only) for making payment in respect of OP No:21/90 to comply with the orders of High Court of Andhra Pradesh, Hyderabad as well as Lower
(P.T.O)

Court in this LA case., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government /CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer (Medium Irrigation) as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deductible to "4701 - Capital Outlay on Major & Medium Irrigation (03) Medium Irrigation - Commercial MH. 143. Madduvalasa Reservoir Project - Normal State Plan - GH.11 - SH(26) D&A Works - 530/532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, Srikakulam shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.20/90, under Madduvalasa Reservoir Project Scheme for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Medium Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Exp.PW.I) Department vide their U.O.No. 37462/1581/Exp.PW.I/08, dt.5.1.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,

The District Collector, Srikakulam District.

The Spl. Chief Secretary to Govt & CCLA., A.P., Hyderabad.

The Engineer-in-Chief (Medium Irr), Errumanzil, Hyderabad.

The Spl. Deputy Collector (LA), Amadalavalasa Unit, Srikakulam Dist .

The Director of Works Accounts, Hyderabad.

The Joint Director of Works Accounts, Srikakulam.

The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Exp. PW .I) Department

Stock File / Spare copies

In the file C.No.10790/L.A.I(A1)/2008

//FORWARDED :: BY ORDER//

SECTION OFFICER